



**CITY OF SUNNYVALE
REPORT
Planning Commission**

April 12, 2004

SUBJECT: **2003-0947 - Vimal Kumar** [Owner]: Appeal of an approval for a 11,396 square foot restaurant located at **830 East El Camino Real** in a C-2 (Highway Business) Zoning District. (APN: 211-25-003, 211-25-002):

Motion Use Permit to allow a restaurant in an existing commercial building with parking calculated as 1 space per 110 square feet for the ground floor of 6,996 square feet for a total parking requirement of 64 parking spaces.

REPORT IN BRIEF

Existing Site Conditions Existing two-story motel (Best Western) and the subject one-story restaurant building.

Surrounding Land Uses

North	Commercial- Hotel and Retail
South	On site Best Western Motel pool and buildings; south of motel, single family residential
East	Commercial- Enterprise Car Rental
West	Commercial- Parking Lot and Automobile Dealership

Issues Architectural design, appropriateness of use, upgrade of site's landscaping and access.

Environmental Status A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

Staff Recommendation Deny the appeal and uphold the approval of a restaurant requiring 104 parking spaces.



PROJECT DATA TABLE

	<u>EXISTING</u>	<u>PROPOSED</u>	<u>REQUIRED/ PERMITTED</u>
General Plan	CGB	CGB	
Zoning District	C-2	C-2	C-2
Lot Size (acres)	3.26	Same	No max.
Gross Floor Area (s.f.) (estimated from site plan)	60,764 (rest. 11,199)	60,907 197 sq. ft. addition (restaurant 11,396)	none max.
Lot Coverage (%)	26.5	26.6	35% max
Floor Area Ratio (FAR)	42.8	42.8	None
No. of Buildings On-Site	6	Same	---
Building Height (ft.) (Estimated)	18	Restaurant Roofline 18; Entrance Tower 26	75 max.
No. of Stories	Restaurant 1 Motel 2	Same	8 max.
Setbacks -Restaurant Building- (facing prop.)			
• Front	33.7	56	70 min.
• Left Side	10	Same	None min.
• Right Side	218	Same	None min.
• Rear	208	Same	None min.
Landscaping (sq. ft.)			
• Total Landscaping	9,600	10,900*	28,400 min.
• Frontage Width (ft.)	0	6 foot strip*	15 ft. min.
• % Based on Parking Lot	13.5	15.5%*	20 min
• Parking Lot Area Shading (%)	Unknown	Additional 6000 square feet*	50% min. in 15 years
Parking			
• Total No. of Spaces	203	205*	202 min.
• No. of Standards	179	181*	90 %min.

	<u>EXISTING</u>	<u>PROPOSED</u>	<u>REQUIRED/ PERMITTED</u>
• No. of Compacts / % of total	16 (7.8%)	Same	10% max.
• No. of Accessible	8	8	7 min.
• Bicycle Parking	0	0	None Min.
Stormwater			
• Impervious Surface Area (s.f.)	133,480	132,180*	43,560 Group 1 Threshold
• Impervious Surface (%)	94%	Same	

*Includes changes to site required as conditions of approval.

ANALYSIS

Background

Previous Actions on the Site: The following table summarizes previous planning applications related to the subject site. The subject application was approved with conditions by the Administrative Hearing Officer on February 25, 2004 and has been appealed by the property owner.

File Number	Brief Description	Hearing/Decision	Date
MPP 1995-393	Motel façade improvements and landscaping adjustments	Staff Approval	8-06-95
VAR 1979-500 (related UP-79-498)	Variance for landscape and residential buffer yard requirements	PC Approval, in part for buffer yard,	8-13-79
UP 1979-498 (related V-79-500)	Expansion and renovation of Restaurant bldg., additional parking lot spaces NW corner	PC Approval	8-13-79

Description of Proposed Project

The applicant proposes to occupy a vacant commercial building with a buffet style restaurant. The subject building was previously occupied as the Michael's restaurant, but has been closed for approximately two years. The previously approved Use Permit is no longer valid due to the original use being discontinued for more than 12 months. The proposal includes exterior façade improvements and interior tenant improvements, including additional

accessibility facilities to comply with current American's with Disability Act standards, and a small addition of 197 square feet.

Environmental Review

A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions. Class 1 Categorical Exemptions include minor additions and use of existing facilities.

Use Permit

Use:

The proposed 11, 396 sq. ft. restaurant is a sit down buffet type of restaurant. The 6,996 sq. ft. ground floor will be utilized for dining and both food preparation and service. The 4,400 sq. ft. basement is to be for office usage and storage. No live entertainment or nightclub type of use is proposed with the project. (COA #3) Although not specifically requested per this application, staff recommends permitting the service of beer and wine in conjunction with dining. (COA #2)

Site Layout:

The building locations and orientation are not proposed to change. One of the three access points (*the eastern access point*) to the site has been conditioned to be removed. Additional landscaping, including a six-foot frontage strip, and minor modifications to the angled parking are required per the Administrative Hearing Officer's approval. The existing restaurant building is to be substantially upgraded with new façade treatments, windows, color scheme, moldings, parapets, and mechanical equipment screening.

APPEAL

Parking Calculation

The property owner (appellant) has specifically appealed the methodology that was utilized to calculate the minimum amount of required parking for the use. Staff analyzed the site by applying the minimum parking ratio of 1 space per 110 square feet (1/110 sq. ft.) to the gross floor area of the restaurant without 100% fixed seating and a ratio for the motel of 1 space per unit plus 1 space per employee. The total required parking for the site equals 202 spaces where 205 are provided. The appellant has requested that the parking ratio for the restaurant be calculated based on the primary dining and kitchen area of the building (the ground floor) for the restaurant only and not include the basement. Using the appellant's methodology the total required parking on the site would be reduced to 164 spaces where 202 are required based upon standard planning practice.

The minimum parking ratios within Title 19 of the Sunnyvale Municipal Code are based upon the gross floor area of the restaurant use and include the ancillary supportive areas (storage, kitchen, lobby, waiting room, etc.). The zoning code has built in flexibility in providing for multiple restaurant calculation options as well as potential shared parking arrangements on a site when peak demand levels differ. Shared parking was not considered for the proposed use, because the peak hour demands of both the motel and restaurant coincide in the evening. Staff compared parking as follows:

Table I
Comparative Parking Ratios

Land Use	Ratio	Size	Total Spaces
Motel	1 per unit, plus 1 per employee	96 Units	98
<i>Restaurant Options</i>			
Staff method	1:110 gross floor area	11, 396	104
Alternative Code method	1 space/2 fixed seats, plus 1:400 area not devoted to dining	234 seats 8,331	138
Appellant's method	1:110 gross floor area restaurant	6,996	64 Total 82*
<i>*Note- Although not referenced by the appellant, the basement would require a minimum parking ratio</i>	1:250 gross floor area non-restaurant as commercial office/storage	4,400	18

Staff employed the general restaurant parking rate such that all restaurant related activities (dining, cooking, office, storage, etc.) are assessed parking at a rate of 1:110 s.f. of gross floor area. This method results in a requirement of 104 parking spaces for the restaurant building. The alternative method, which requires 100% fixed seating (not the applicant's proposal) would have resulted in a higher minimum parking ratio.

The appellant's approach does not provide for required parking for the basement use. Although the Use Permit requires that the basement be used only for Office and Storage, unless elevator accessibility is provided per building code requirements, its use is supportive of the restaurant and not operating independently. The appellant would like the office/storage rate applied to the office/storage area which would result in a demand of 18 spaces

rather than 22 spaces. As those areas support the restaurant, staff does not believe a separate calculation is appropriate.

As the site meets the parking requirement, staff can see no benefit from the alternative calculation. Future use of the building to a less intensive use such as office, retail, or storage is not precluded. The only benefit to a lower parking requirement now is that some of the parking spaces could be converted to landscaping.

Transportation Impact Fee

The subject building was previous utilized as a sit-down restaurant until approximately two years ago. The proposed use is consistent with the previous level of use for the subject building and the result of the Citywide Transportation Traffic Impact Fee will be minimal fee for the small amount of additional floor area.

Compliance with Development Standards

The site is considered to be in conformance with development standards excepting the existing non-conformity for front yard setback and various landscape standard deficiencies. Conditions requiring incremental landscape changes address the non-conforming condition, but do not resolve the deficiencies to a level of compliance with current standards. Requiring complete landscape compliance would require the removal of required parking spaces. The setback condition is not being exacerbated by the applicant and care in the design and materials address issues of commercial compatibility.

Precise Plan for El Camino Real

The subject site is not identified as an opportunity area within the boundaries of the Precise Plan.

Expected Impact on the Surroundings

Occupancy of the building will increase the commercial activity of the site that has been empty for two years. The building upgrades bring the project closer to standard levels of development in Sunnyvale thereby increasing the compatibility of the site both operationally and architecturally with the City as a whole. The increased customer load of the restaurant is anticipated to be equal to that of the previous restaurant use and should not result in issues of compatibility with surrounding uses that is beyond the expected level of commercial usage. However, a reduction in required parking for the restaurant could impact adjacent properties in the future if adequate on-site parking is not available. No live entertainment or nightclub use is proposed with the project.

Findings, General Plan Goals and Conditions of Approval

Staff was able to make the required Findings for the Use Permit.

- Findings and General Plan Goals are located in Attachment 1.
- Conditions of Approval are located in Attachment 2.

Fiscal Impact

No fiscal impacts other than normal fees and taxes are expected.

Public Contact

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none">• Published in the <i>Sun</i> newspaper• Posted on the site• Mailed to the adjacent property owners of the project site	<ul style="list-style-type: none">• Posted on the City of Sunnyvale's Website• Provided at the Reference Section of the City of Sunnyvale's Public Library	<ul style="list-style-type: none">• Posted on the City's official notice bulletin board• City of Sunnyvale's Website• Recorded for SunDial

Alternatives

1. Deny the appeal and uphold the approval of the Use Permit with a parking ratio of 1/110 square feet for an 11,396 square foot building for a total of 104 parking spaces.
2. Approve the appeal for applying the parking ratio of 1/110 square feet to the 6,996 square foot ground floor of the building for a total of 82 parking spaces.
3. Deny the Use Permit.

Recommendation

Recommend Alternative 1

Prepared by:

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Project Planner

Reviewed by:

Gerri Caruso
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Reviewed by:

Trudi Ryan
Planning Officer

Attachments:

1. Recommended Findings
2. Final Conditions of Approval by Administrative Hearing Officer
3. Site and Architectural Plans from Administrative Hearing
4. Applicant project information
5. Appellant letter

To view attachments 3 through 5, please go back to Planning Commission Reports:

<http://sunnyvale.ca.gov/City+Council/Boards+and+Commissions/Planning/Reports/>

Recommended Findings - Use Permit

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale.

Land Use and Transportation Element

Policy N1.3 Support a full spectrum of conveniently located commercial, public, and quasi-public uses that add to the positive image of the city.

Policy N1.13 Promote an attractive and functional commercial environment.

The proposed restaurant is an appropriate use for Sunnyvale's primary commercial corridor and provides services to the abutting motel use. The rehabilitation of the vacant building and upgrades to the site's access and landscaping will increase the visual appeal and functionality of the site. Adequate parking is provided for the restaurant use as rate of 1/100 square feet.

2. The proposed use is desirable, and will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the Zoning District because the site is an existing vacant commercial building and the proposed remodeling is a good investment in a neglected building along El Camino Real. The restaurant use is appropriate for the general commercial zone and is consistent with the historic level of use on the subject site. The proposed improvements will enhance the site and be compatible with the types of commercial uses (motels and shopping center) in the immediate vicinity and C-2 zoning district.

Conditions of Approval - Use Permit

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

1. This Use Permit shall expire within two years from the date of approval if not exercised.
2. Beer and Wine sales complementing the dining character of the use are permitted with approval of a state Alcohol Board of Control license.
3. Live entertainment or nightclub uses are not permitted as part of this Use Permit.
4. The basement area of this establishment is not be used for banquet or dining purposes without Planning review through a Miscellaneous Plan Permit to address ADA and parking needs of the use.
5. Hours of operation are limited to 6:00 AM to 12:00 AM.
6. The applicant/property owner shall obtain the necessary building permits as required by Sunnyvale Municipal Code 16.18.020.
7. Final conditions of approval shall be reproduced on the cover sheet of the building permits.
8. Prior to the issuance of a building permit, provide a roof plan that includes placement of existing and or proposed mechanical equipment with the appropriate parapet height to fully screen all rooftop equipment as viewed from El Camino Real and surrounding properties. The proposed screening and parapet shall be architecturally proportional and compatible with the high quality character and materials of the main building.
9. Wall signage shall not be internally illuminated or up lit and require the approval of a separate Miscellaneous Plan Permit prior to issuance of building permit for a sign.
10. Prior to issuance of a building permit, submit to Planning, for review and approval, revised building elevations that include the following to determine architectural enhancement and design quality as compared to the original proposal:
 - a. A stone veneer or tile wainscoting that wraps the front edges to a logical ending point.
 - b. The tower height reduced by minimum of two to three feet that to a level proportional with the building height. The lowered height is generally represented as the beginning line of molding on the current

- plan. The flare of the cornice may require small adjustment to maintain proportionality.
- c. Additional roofline articulation for the middle two quarters of the west front façade. The roofline may be raised up by approximately 28 inches to provide a varying plane for the building roofline.
 - d. Window mullion density shall be reduced to permit larger panes of glass as deemed appropriate by staff. The majority of glass on the front façade shall be clear to allow vision into the restaurant.
 - e. Provide decorative down lit sconces at the entrance to the building.
 - f. Applicant shall consider incorporating exposed wood trim or other accents into the design.
 - g. The level of design details (columns, recesses, etc.) present on the proposed plan shall be incorporated into the revised plans in addition to any other conditional requirements of the Use Permit.
11. Prior to the issuance of a building permit, submit to Planning, for review and approval, revised color palette with a light to neutral colored basic wall and use of color and materials as discussed on pages 6 and 7 of this report.
 12. Prior to occupancy of the building the existing "Michael's" pylon sign shall be removed.
 13. Prior to the issuance of a building permit the applicant shall apply to the Public Works Department for an Encroachment Permit to remove the most easterly driveway. As a condition of the Encroachment Permit and this Use Permit a revised parking and landscaping plan shall be submitted to Planning for review and approval for the removed driveway.
 14. Prior to the issuance of a building permit, submit to Planning, for review and approval, a revised irrigation and landscape plan prepared by a qualified professional that includes: *(See also Section 19.38070 of the Sunnyvale Municipal Code for additional standards)*
 - a. A minimum of a six-foot landscape strip extending from the east property line to the driveway at the intersection of Maria Lane and El Camino Real.
 - b. Tree protection plan for existing trees during the modification to the driveway and parking area.
 - c. Groundcover within landscaped areas shall be living, rock or bark is prohibited. Two inches of mulch shall also be provided.
 - d. The landscaped areas shall be design to allow stormwater runoff to enter the landscaped area, but is not required to be numerically sized to control runoff from all adjacent impervious surfaces.

- e. Additional trees shall be provided as one tree per each existing landscaped area located in the middle driveway, at least one tree for the new landscaping that is replacing the east driveway, and three trees within the new landscape strip. All trees are to be appropriately spaced.
 - f. The minimum size of the trees to be planted are 15 gallon and shall be of a water conserving species type that provide for parking lot shading and street tree qualities, trees that generally mature to over 40 feet in height. Decorative and flowering fruit trees are not acceptable for this purpose.
 - g. A dense pattern of shrubs shall be provided in the new landscape strip to help conceal the abutting parking area. Shrubs shall be provided at a minimum rate of two per 300 square feet of landscaping and of a minimum 5 gallon size, but shall be increased in number if necessary to achieve screening of the parking area.
 - h. All new landscaping shall be drought tolerant or water conserving. Consult City of Sunnyvale guidebook for appropriate species.
 - i. Continued care of new landscaping shall be provided for through an irrigation system or an agreement to continue maintenance and watering responsibilities manually.
15. Prior to the issuance of a building permit, provide details of waste/recycling management plan for review that includes the following:
- a. Location and size of enclosure
 - b. Size and number of waste and recycling bins, additional or expansion of existing enclosures may be required for additional storage bins.
 - c. Location of tallow container
 - d. Description of which businesses use the facility
16. Fire Prevention Division requires the renovated structure to be completely sprinkled. Consult with the Fire Prevention Division for other existing and extinguisher requirements.
17. Prior to the issuance of a building permit obtain approval from the Santa Clara County Health Department.
18. Prior to the issuance of a building permit, provide water consumption rates and pay applicable fees to the Public Works Department.
19. Grease interceptors are to be provided for all grease generating activities.